

DECISION ON APPLICANT REQUEST FOR RECONSIDERATION

Under section 60851 of title 2 of the California Code of Regulations, if the Bureau of State Audits or the Applicant Review Panel decides to exclude or remove an applicant from the pool of applicants being considered for selection to the Citizens Redistricting Commission, the applicant may, no later than 10 days after the date of the notification of exclusion or removal, request reconsideration of the decision if the decision was the result of an error relating to:

- Having a conflict of interest;
- Failing to satisfy the eligibility requirements for serving on the commission; or
- Failing to comply with the procedural requirements of the application process.

Name of the Applicant/Requestor: Ellen F. Fabrikant.

Date of the notice of exclusion or removal: April 1, 2010.

Date the request for reconsideration was received: April 1, 2010.

Description of the alleged error that caused the exclusion or removal: Applicant incorrectly stated in Part 3 of the supplemental application that her son, with whom she has a bona fide relationship, has engaged in an activity within the past ten years that causes Applicant to have a conflict of interest that makes her ineligible to serve as a member of the Citizens Redistricting Commission.

Request for reconsideration is: Granted.

Reason for granting or denying the request: When answering "yes" to the question on the application that asks whether, within the past ten years, her son has engaged in any of the activities that would cause Applicant to have a conflict of interest under the Voters FIRST Act, she went on to describe the activity as in September 2009 through February 2010 her son serving as a volunteer intern for Representative Ken Cavert, a member of Congress elected from California. Since her son serving as a volunteer intern for a member of Congress elected from California is not one of the activities that could cause Applicant to have a conflict of interest under the Act, it appears that Applicant incorrectly answered "yes" to the question. Moreover, Applicant affirmed in her request for reconsideration that the correct answer to the question is "no." It therefore appears that Applicant should not be excluded from the applicant pool.

Applicant's current status: Included in the supplemental applicant pool.

Name and title of person making decision: Steven Benito Russo, Senior Staff Counsel.

Date of decision: April 8, 2010.